

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 4:11-CR-5-FL-1

UNITED STATES OF AMERICA,)

v.)

STANLEY DARNELL ARMSTRONG,)
JR.,)

Defendant)

ORDER

On June 26, 2013, defendant filed a motion to reduce sentence (DE 37) seeking relief under Alleyne v. United States, 133 S. Ct. 2151 (2013). In Alleyne, the Supreme Court held that “any fact that increases the mandatory minimum [sentence] is an ‘element’” of the offense that must be admitted by the defendant or proved beyond a reasonable doubt. Alleyne, 133 S. Ct. at 2155; see United States v. Croft, 12-4890, 2013 WL 3615944 *1 (4th Cir. July 16, 2013). The court has reviewed the record of defendant’s conviction and sentence. Defendant was not subject to an enhanced mandatory minimum sentence. Rather, defendant was subject to a five-year mandatory minimum for the offense to which he pled guilty, conspiracy to distribute 28 grams or more of cocaine base, under 21 U.S.C. § 841, which is the lowest mandatory minimum penalty provided for such offense. Thus, Alleyne provides defendant no relief. Defendant’s motion to reduce sentence under Alleyne (DE 37) is DENIED.

SO ORDERED, this the 5th day of September, 2013.



LOUISE W. FLANAGAN
United States District Judge